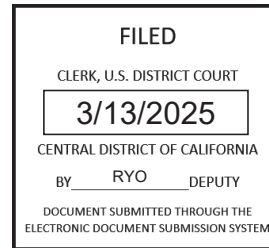


Todd R. G. Hill
119 Vine Street
Belton, TX 76513
+1 [661] 899-8899
toddryangregoryhill@gmail.com
In Propria Persona



**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-CV-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S RESPONSE TO DEFENDANT
SPIRO'S OPPOSITION (DOCKET 240) AND
RENEWED REQUEST FOR DISCOVERY
BASED ON NEWLY DISCOVERED
EVIDENCE AND PROCEDURAL
IRREGULARITIES**

NO ORAL ARGUMENT REQUESTED

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REQUEST FOR DISCOVERY BASED ON NEWLY DISCOVERED EVIDENCE AND PROCEDURAL
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AND PROCEDURAL IRREGULARITIES**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD,

PLEASE TAKE NOTICE THAT Plaintiff respectfully submits this response to Defendant Spiro’s opposition (Docket 240), which is incomplete and materially flawed due to its failure to address critical evidence that directly contradicts Defendant’s arguments. Plaintiff’s March 11, 2025, motion — which remains undocketed as of this filing — introduces new evidence that demonstrates the existence of concealed records and reinforces the need for discovery to ensure procedural fairness.

These developments which, in the case of the Court’s notice of need to further demonstrate good cause and the March 11, 2025 letter from State Bar, postdate the Court’s earlier ruling and reveal that critical evidence is being suppressed or mishandled, undermining the integrity of the factual record. Plaintiff submits that both the State Bar’s and PCL Defendants evasive conduct reflects an intentional strategy to avoid producing records that would substantiate Plaintiff’s claims.

Plaintiff has acted diligently in pursuing this information through informal channels, yet the State Bar’s obstruction tactics have made it impossible to obtain relevant records without the Court’s intervention. Courts have long recognized that **good cause** for discovery exists where a litigant demonstrates that key evidence is being improperly withheld, and where informal requests have been

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1 met with evasion or delay. See *Foman v. Davis*, 371 U.S. 178, 182 (1962) (noting that refusal to
2 provide information without reasonable cause constitutes grounds for relief).
3

4 Plaintiff respectfully requests that this Court reconsider its earlier conclusion that Plaintiff
5 failed to demonstrate good cause, as the circumstances have materially changed. The evidence now
6 shows that the State Bar's refusal to disclose relevant materials — combined with PCL's documented
7 records retention issues — presents a substantial risk that critical evidence will remain concealed
8 absent judicial intervention.
9
10

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. INTRODUCTION**

13 Defendant Spiro's opposition relies heavily on outdated assumptions and procedural
14 narratives that are no longer applicable in light of new facts that have emerged. Specifically,
15 Defendant's arguments overlook:
16
17

- 18 a. Plaintiff's Exhibit A: Second Demand for Evidence Preservation and Inspection
- 19 b. The State Bar's February 24, 2025 letter, which confirms that over 16,000 responsive records
20 were identified yet withheld without meaningful review.
- 21 c. The State Bar's March 11, 2025 letter, which reveals that an additional 500 responsive
22 records were located but similarly withheld.
23
24
25
26
27

28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED REQUEST FOR DISCOVERY BASED ON NEWLY DISCOVERED EVIDENCE AND PROCEDURAL IRREGULARITIES**

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1 d. Plaintiff's Preservation of Evidence Letter, which demonstrates that Plaintiff proactively
2 sought to ensure these records were retained — directly contradicting Defendant's claims that
3 Plaintiff's discovery efforts lacked diligence.
4

5
6 Attached hereto as Exhibit A is a true and accurate copy of Plaintiff's October 24, 2021 demand
7 to the Board of Directors at Peoples College of Law (PCL) for the production and inspection of video
8 recordings and related materials relevant to this case. This document establishes that Plaintiff
9 proactively sought access to critical evidence — including classroom recordings, meeting footage,
10 and communications relevant to PCL's academic policies, accreditation issues, and credit
11 miscalculations.
12

13
14 This demand also provided clear notice to Defendant Spiro and other PCL defendants of their
15 obligation to preserve evidence in anticipation of litigation. Despite this early warning, Defendant
16 Spiro has since provided sworn testimony acknowledging document retention issues, raising
17 substantial concerns about whether Defendants have wrongfully withheld, altered, or destroyed
18 critical records.
19

20
21 This correspondence is particularly relevant in light of the State Bar's recent admissions
22 confirming that over 16,000 responsive records remain concealed. Defendant Spiro's ongoing efforts
23 to oppose discovery — despite clear evidence that Plaintiff has actively sought to preserve and
24 inspect these materials since 2021 — further underscores the pattern of obstruction and procedural
25 gamesmanship that now warrants immediate judicial intervention.
26

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28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 Defendant's reliance on outdated rulings and unfounded procedural objections has resulted in
2 an incomplete and misleading opposition that fails to account for material developments.
3

4
5
6 **II. EVIDENCE OF DEFENDANT SPIRO'S MISCHARACTERIZATION OF**
7 **PLAINTIFF'S DISCOVERY EFFORTS**

8 Defendant's opposition (Docket 240) falsely asserts that Plaintiff's discovery request is
9 speculative and unsupported. However, as **Exhibit A** demonstrates, Plaintiff has repeatedly sought
10 access to this evidence even prior to **October 24, 2021**. The concealment of these records — now
11 confirmed by this letter, the **State Bar's February 24 and March 11 letters, and strongly inferred**
12 **by Spiro's own filing** — is part of a persistent pattern of evasion that justifies immediate discovery.
13
14

15 Defendant's assertion that Plaintiff's discovery request is speculative and unsupported is
16 directly contradicted by the State Bar's own admissions. The February 24 and March 11 letters
17 demonstrate that the State Bar identified substantial responsive records yet refused to engage in
18 meaningful review or production.
19

20
21 Defendant Spiro's failure to mention or acknowledge Plaintiff's October 24, 2021 demand for
22 inspection — coupled with the State Bar's recent admissions confirming suppressed records —
23 reinforces that Defendant's procedural tactics are designed to prevent accountability
24
25
26
27

28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED**
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1 These records — which relate directly to accreditation compliance, bar licensure oversight,
2 and CPRA deficiencies — are highly material to Plaintiff’s claims. Defendant’s assertion that
3 Plaintiff’s discovery request lacks factual support is therefore without merit.
4

5
6
7
8 **A. DEFENDANT’S FAILURE TO ADDRESS PLAINTIFF’S PRESERVATION OF**
9 **EVIDENCE LETTER**

10 Defendant argues that Plaintiff has failed to demonstrate good cause for discovery. However,
11 Plaintiff’s Preservation of Evidence Letter proves otherwise. Plaintiff took proactive steps to protect
12 critical evidence, anticipating the risk of spoliation and noncompliance.
13

14 The existence of the Preservation of Evidence Letter eliminates Defendant’s claim that
15 Plaintiff’s discovery motion is premature or procedurally improper. Instead, it demonstrates that
16 Plaintiff acted responsibly and diligently to ensure that evidence was protected and available for
17 review.
18

19
20 **B. STATE BAR’S FEBRUARY 24, 2025, LETTER STATES REFUSAL TO PERFORM**
21 **REASONABLE SEARCH CONTINUING PATTERN OF NON-COMPLIANCE**

22 In the February 24 letter, the State Bar admitted that a search of their systems identified over
23 16,000 potentially responsive records related to Todd’s request for communications about antitrust
24 concerns, regulatory capture, and restrictive licensure practices. Despite the identification of these
25
26

27
28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED**
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1 records, the State Bar declined to review them, stating it could not “with reasonable efforts” conduct
2 the necessary review to determine relevance
3

4 Defendants’ pattern of non-compliance extends beyond mere delay; it constitutes a deliberate
5 effort to obstruct case progression in a manner inconsistent with judicial efficiency and fairness.
6 Courts routinely reject such strategic evasions. See *Foman v. Davis*, 371 U.S. 178, 182 (1962)
7 (‘[O]utright refusal to grant the leave without any justifying reason... [is] an abuse of discretion and
8 inconsistent with the spirit of the federal rules.’). Given Defendants’ established record of evasion
9 and procedural deflection, the Court should construe all ambiguities in Plaintiff’s favor and recognize
10 that Defendants’ strategy is one of attrition rather than substantive legal defense.
11

12 Because of the importance of the issues raised, the Court should not reward the State Bar’s
13 tactical delay.
14

15
16 **C. STATE BAR’S MARCH 11, 2025, LETTER INDICATES REFUSAL TO PROVIDE**
17 **MEANINGFUL ACCESS TO RESPONSIVE RECORDS**

18 The State Bar continues Similarly, in the March 11 letter, the State Bar acknowledged locating
19 **nearly 500 potentially responsive records** related to policy reviews but again refused to provide
20 meaningful access to the content, claiming it would be unduly burdensome to conduct a complete
21 review. These responses reflect a consistent pattern of procedural obstruction designed to suppress
22 access to information critical to Plaintiff’s claims. The State Bar’s refusal to comply with its CPRA
23 and discovery obligations is especially concerning given that its own correspondence acknowledges
24 the existence of potentially responsive records. Plaintiff submits that these records are not
25 speculative; they have been identified, documented, and remain concealed solely due to the State
26

27
28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED**
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1 Bar's refusal to engage in reasonable document review, thereby preventing the Plaintiff from
2 providing factual records to support, clarify or substantiate a factual record relevant to his claims.
3

4 **III. DEFENDANT'S RELIANCE ON OUTDATED JUDICIAL NOTICE RULINGS**

5 Defendant Spiro's reliance on the Court's previous judicial notice ruling is misplaced. Judicial
6 notice pertains to the **existence** of materials, not necessarily their **truth** or significance. The State
7 Bar's own admissions — confirming over 16,000 concealed records — render Defendant's argument
8 both outdated and inaccurate.
9

10 Furthermore, Defendant's attempt to discredit Plaintiff's discovery motion by referencing the
11 Court's prior denial of judicial notice is misplaced. The Court's earlier ruling occurred **before** the
12 State Bar's admissions regarding concealed records — facts that were unknown at the time of the
13 prior ruling.
14

15 To rely on the prior denial of judicial notice while ignoring new evidence creates an
16 incomplete and misleading narrative. The State Bar's newly admitted concealment of responsive
17 records justifies reconsideration of earlier findings.
18

19 **A. BLANKET OBJECTIONS AS RATIONALE TO SIDESTEP REASONABLE** 20 **PRODUCTION**

21 The State Bar's assertion that Todd's requests are "overbroad" is undermined by its own
22 admissions. Rather than demonstrating a sincere effort to comply, the State Bar instead relied on
23 blanket objections to sidestep reasonable discovery obligations.
24

25 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED** 26 **REQUEST FOR DISCOVERY BASED ON NEWLY DISCOVERED EVIDENCE AND PROCEDURAL** 27 **IRREGULARITIES**

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1 In its February 24 letter, the State Bar dismissed Todd’s request as a “wholesale production of
2 records,” despite Todd having provided:

- 3
- 4 1. Narrowing parameters specifying targeted search terms,
 - 5 2. Key individuals involved in the relevant communications, and
 - 6 3. A defined timeframe limited to two years.
- 7

8 In its March 11 letter, the State Bar acknowledged that it conducted a search and identified 500
9 potentially responsive records under the search term “policy review” but refused to review them
10 fully, demonstrating a deliberate refusal to engage in meaningful cooperation.

11 By refusing to engage meaningfully with Todd’s refined CPRA requests — despite
12 acknowledging the existence of over 16,000 potentially responsive records in its February 24 letter
13 and 500 additional records in its March 11 letter — the State Bar has demonstrated a pattern of
14 evasion that mirrors tactics courts have condemned in the context of formal discovery. While the
15 State Bar has not yet been compelled to comply with Rule 26(b)(1) of the Federal Rules of Civil
16 Procedure, its ongoing refusal to review and disclose identified records reveals an intentional effort to
17 suppress relevant evidence. Plaintiff has demonstrated diligence in refining his requests to target key
18 individuals, specific timeframes, and narrowly defined subject matter. The State Bar’s continued
19 resistance, despite possessing potentially significant evidence, reflects deliberate avoidance tactics
20 that now warrant Court intervention through a formal discovery order.

21 The State Bar’s conduct demonstrates a facial failure to comply with state law, specifically the
22 California Public Records Act (CPRA). While this federal court is not the venue to compel CPRA
23

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28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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1 compliance directly, the State Bar’s failure to adhere to its CPRA obligations is nonetheless
2 significant in evaluating whether dismissal with prejudice is appropriate.
3

4 The State Bar’s noncompliance under CPRA reveals a broader pattern of procedural evasion that
5 directly implicates Todd’s claims of regulatory misconduct, institutional concealment, and due
6 process violations. Courts have long recognized that when a government entity actively resists
7 transparency by ignoring or manipulating its public accountability obligations, that conduct warrants
8 heightened scrutiny in related litigation. Here, the State Bar’s failure to comply with the CPRA
9 reflects a refusal to provide Todd access to records that may substantiate his claims — records the
10 State Bar itself has confirmed exist.
11

12 Moreover, the State Bar now seeks to shield itself from suit by mischaracterizing its regulatory
13 role as ‘judicial’ rather than ‘administrative.’ This distinction is legally dispositive. In *Verizon*
14 *Maryland, Inc. v. Public Service Commission of Maryland*, 535 U.S. 635, 645 (2002), the Supreme
15 Court held that state regulatory entities performing enforcement functions are not shielded by
16 sovereign immunity when their conduct violates federal law. Here, the State Bar’s failure to enforce
17 accreditation compliance standards, facially compounded by its suppression of public records that
18 may expose regulatory failures, constitutes an ongoing violation of federal law.
19

20 This ongoing violation aligns directly with the framework established in *Ex parte Young*, 209
21 U.S. 123 (1908), which allows for injunctive relief against state actors engaged in continuing
22 violations of federal law. Todd’s claims — rooted in the State Bar’s refusal to enforce regulatory
23 standards and its suppression of public records that could reveal these failures — fit squarely within
24 this framework. Dismissing Todd’s claims with prejudice, particularly where procedural evasion and
25

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28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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1 CPRA violations have obstructed his ability to obtain relevant evidence, would be inconsistent with
2 the principles of due process and federal oversight of state regulatory bodies.
3

4 The State Bar's failure to comply with state law (CPRA) reinforces Todd's argument that
5 discovery is warranted to uncover evidence that is currently being concealed. Moreover, the Court's
6 adoption of the Magistrate's recommendation to dismiss Todd's claims with prejudice — without
7 first ensuring that Todd's constitutional and regulatory claims were fairly adjudicated — would
8 reward the State Bar's procedural evasion and compound the ongoing violation of federal law. In this
9 context, dismissal with prejudice is both procedurally improper and inconsistent with the principles
10 articulated in *Ex parte Young*.
11
12

13 **B. THE VOLUME OF POTENTIALLY RESPONSIVE RECORDS SUPPORTS A**
14 **FINDING OF GOOD CAUSE**

15 The volume of responsive records identified by the State Bar — over 16,000 records related to
16 Todd's regulatory concerns and nearly 500 records pertaining to policy reviews — demonstrates that
17 relevant evidence likely exists. The State Bar's refusal to produce these records is particularly
18 troubling given their obvious relevance to Todd's claims, which center on regulatory misconduct,
19 anticompetitive practices, and discriminatory licensure restrictions.
20
21

22 Courts have consistently recognized that when a party has identified a substantial body of
23 relevant material yet refuses to conduct reasonable review, good cause for discovery is established. In
24 this instance, the volume of identified records — coupled with the State Bar's refusal to cooperate —
25 strongly supports a finding that discovery is necessary to ensure Plaintiff's access to evidence.
26
27

28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 Plaintiff requests that the Court reject improper factual determinations and order discovery on the
2 full extent of the State Bar's accreditation failures.
3

4 **C. THE STATE BAR'S ACTIONS UNDERMINE PUBLIC ACCOUNTABILITY AND**
5 **TRANSPARENCY**

6 The State Bar's refusal to review or disclose records that it has confirmed exist conflicts with its
7 public duty as a regulatory body. As a government institution responsible for overseeing attorney
8 licensure and legal education policy, the State Bar is obligated to maintain transparency. Its
9 calculated avoidance of reasonable discovery is inconsistent with these duties and raises legitimate
10 concerns about institutional misconduct.
11

12 Moreover, the State Bar's attempt to characterize Todd's requests as "burdensome" is
13 undermined by the fact that these requests directly target records related to potential antitrust
14 violations, regulatory capture, and exclusionary licensure practices — all of which are central to
15 Plaintiff's claims. The State Bar's pattern of evasion strengthens Plaintiff's argument that discovery
16 is necessary to uncover relevant evidence that has been improperly concealed.
17

18 The State Bar has argued that the Magistrate properly exercised discretion in partially denying
19 judicial notice (see Docket No. 230). However, Plaintiff's unopposed requests for judicial notice
20 (Dockets 197 & 199) were not ruled upon, creating an incomplete factual record (See Docket 217).
21

22 Under Federal Rule of Evidence 201, courts are required to rule on judicial notice requests,
23 particularly where they are unopposed and pertain to matters of public record.
24

25 By failing to rule on unopposed judicial notice requests (Dockets 197 & 199), the Magistrate has
26 introduced an incomplete factual record that materially prejudices Plaintiff's ability to litigate claims
27

28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 on equal footing. See *Khoja v. Orexigen Therapeutics, Inc.*, 899 F.3d 988 (9th Cir. 2018) (‘[A] court
2 must consider the full evidentiary record before ruling on the sufficiency of pleadings.’). Courts have
3 held that judicial economy is best served by resolving notice issues first, ensuring that adjudications
4 are based on a full, rather than selective, evidentiary record.
5

6
7 The State Bar’s argument that Plaintiff “failed to identify specific facts appropriate for judicial
8 notice” is disingenuous. Plaintiff has provided:

- 9
10 a. Legislative records
11
12 b. State Bar internal documents
13
14 c. Accreditation-related correspondence

15 These materials are unquestionably public records and fit squarely within Rule 201(b). By
16 refusing to rule on Dockets 197 & 199, the Magistrate deprived Plaintiff of a full and fair
17 adjudication.

18
19 Plaintiff requests that the Court formally rule on judicial notice to prevent further procedural
20 irregularities.

21
22 The Defendants have mischaracterized Plaintiff’s judicial notice requests and additional obstruct
23 his attempts at obtaining records to properly construct a factual record. The State Bar’s withholding
24 of records as well as the Magistrate’s failure to rule on Dockets 197 & 199 constitutes an omission
25 that materially prejudices Plaintiff. Rather than acknowledging these procedural and regulatory
26 defects, the State Bar attempts to obscure them.
27

28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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1 **D. THE SYSTEMIC IMBALANCE IN MINORITY OUTCOMES IN UNACCREDITED**
2 **LAW SCHOOLS**

3 Plaintiff contends that the disproportionately low success rates for minority students reflect a
4 manifest imbalance comparable to the inequities recognized by the Supreme Court in *Johnson v.*
5 *Transportation Agency*, 480 U.S. 616 (1987), thus justifying discovery to address these systemic
6 barriers.
7

8 The systemic disadvantages experienced by minority students attending unaccredited law schools
9 reveal a troubling pattern of exclusion. Data shows that minority students disproportionately enroll in
10 unaccredited law schools, where they face unique hurdles not imposed on students attending ABA-
11 accredited institutions. Chief among these is the FYLSX, an exam imposed exclusively on students
12 from unaccredited schools. The passage rates for this exam—and the subsequent General Bar
13 Exam—demonstrate a significant racial disparity that warrants discovery to uncover its root causes.
14
15

16
17 This pattern mirrors the manifest imbalance identified in *Johnson v. Transportation Agency*,
18 where the Supreme Court upheld affirmative action efforts to correct the severe underrepresentation
19 of women in skilled labor positions. There, the Court concluded that gender imbalances in
20 employment rates constituted a structural failure, even without a finding of intentional discrimination.
21 Similarly, here, the consistently disproportionate failure rates for minority students at unaccredited
22 law schools represent a structural inequity that necessitates discovery.
23
24

25 **E. SYSTEMIC BARRIERS AND UNEQUAL OPPORTUNITY**

26
27 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED**
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1 In Johnson, the Court emphasized that a manifest imbalance could be demonstrated by
2 statistical disparities alone, without requiring proof of discriminatory intent. In the present case,
3 discovery is necessary to explore:

- 4 1. Recruitment Practices: Evidence suggests that unaccredited law schools actively recruit
5 minority students, often presenting misleading claims about success rates and career
6 prospects.
- 7 2. Resource Disparities: Unaccredited schools frequently operate with fewer faculty, reduced
8 academic support, and diminished student resources, conditions that disproportionately
9 affect minority students who are overrepresented in such institutions.
- 10 3. Institutional Misconduct: Plaintiff contends that Peoples College of Law (PCL), through
11 its knowingly manipulated credit calculations, undermined students' ability to meet
12 educational benchmarks, a burden that particularly harmed minority students reliant on
13 unaccredited institutions.

14 These factors reflect systemic failures akin to those identified in Johnson, where the Court
15 recognized that barriers such as exclusionary hiring practices required affirmative remedial action.
16

17
18
19
20
21 **F. DISCOVERY IS WARRANTED TO ESTABLISH FACTUAL SUPPORT FOR**
22 **SYSTEMIC INEQUITY**

23
24 The Court in Johnson permitted affirmative action to correct a manifest imbalance based on a
25 clear statistical disparity. Plaintiff seeks discovery to:
26

27
28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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- 1 1. Obtain data regarding FYLSX passage rates by race, ethnicity, and socioeconomic
- 2 background to assess the disparate impact on minority students;
- 3
- 4 2. Uncover evidence of predatory enrollment practices targeting minority students by
- 5 unaccredited schools;
- 6
- 7 3. Investigate the adequacy of academic resources and support provided by these institutions;
- 8 and
- 9
- 10 4. Examine records of internal communications within the State Bar to determine whether its
- 11 failure to address these known disparities constitutes negligence or misconduct.

12 Such discovery is essential to establishing that systemic inequities—not individual failings—
13 are responsible for the low success rates of minority students at unaccredited law schools. As in
14 Johnson, remedial measures may be justified if this manifest imbalance is demonstrated.
15

16 **G. DUE PROCESS & INSTITUTIONAL PREFERENCE**

17 The Court has an independent duty to ensure that its rulings adhere to fundamental fairness and
18 procedural due process. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (‘[D]ue process requires
19 an opportunity to present every available defense.’). If this Court accepts Defendants’ procedural
20 gamesmanship—ignoring pending judicial notice requests and refusing to enforce case management
21 obligations, it risks affirming a system where litigants are prejudiced by virtue of institutional
22 affiliation, rather than legal merit. Such a precedent cannot stand.
23
24
25

26 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED 27 REQUEST FOR DISCOVERY BASED ON NEWLY DISCOVERED EVIDENCE AND PROCEDURAL 28 IRREGULARITIES**

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1 Furthermore, Defendants’ chronic procedural non-compliance is not mere oversight, it is a
2 deliberate litigation strategy to obstruct Plaintiff’s access to a fair adjudication. See *Foman v. Davis*,
3 371 U.S. 178, 182 (1962) (‘[O]utright refusal to grant leave without any justifying reason... [is] an
4 abuse of discretion and inconsistent with the spirit of the federal rules.’).

5
6 Their pattern of obstruction should weigh against Defendants’ credibility before this Court.
7

8 **H. PUBLIC INTEREST IMPLICATIONS**

9 The State Bar’s ongoing failure to regulate unaccredited law schools has consequences far beyond
10 this litigation. Courts have a vested interest in ensuring that regulatory agencies uphold their
11 obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015)
12 (holding that regulatory enforcement failures disproportionately impact underprivileged groups). This
13 case is not merely about procedural compliance, it is about the systemic accountability of a regulatory
14 body entrusted with protecting the public interest.
15

16
17 Furthermore, the State Bar’s failure to neutrally satisfy CPRA requests violates fundamental
18 fairness. The refusal to provide meaningful access to public records acts to distort the relevant factual
19 record, leaving Plaintiff at a procedural disadvantage.
20

21 **IV. DEFENDANT’S DEMAND THAT DISCOVERY BE DELAYED**

22 Defendant’s argument that discovery should be delayed until Plaintiff files a “Fourth
23 Amended Complaint” is both procedurally improper and strategically disingenuous. This position
24 ignores key facts, undermines established legal standards, and creates a troubling procedural
25 inconsistency that the Court cannot overlook.
26

27 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED 28 REQUEST FOR DISCOVERY BASED ON NEWLY DISCOVERED EVIDENCE AND PROCEDURAL IRREGULARITIES**

**A. THE COURT’S FAILURE TO CONSIDER PLAINTIFF’S PROPOSED AMENDED
THIRD AMENDED COMPLAINT**

Defendants have uniformly objected to and actively sought to obstruct Plaintiff’s filing of his Proposed Amended Third Amended Complaint, despite the clear procedural framework established by Federal Rule of Civil Procedure 15, which favors amendment in the interest of resolving cases on their merits. Defendants’ resistance — paired with their continued efforts to delay or deny discovery — reflects a deliberate strategy to manipulate the procedural process rather than engage with the merits of Plaintiff’s claims. This coordinated opposition strongly infers procedural gamesmanship designed to insulate Defendants from legitimate inquiry into concealed records and institutional misconduct. By simultaneously resisting Plaintiff’s efforts to amend his complaint while withholding over 16,000 responsive records and ignoring Plaintiff’s Preservation of Evidence Letter, Defendants have effectively positioned themselves to obstruct access to relevant facts and undermine the Court’s ability to adjudicate this matter on a complete record. Such tactics are not merely defensive but constitute deliberate obstruction — designed to frustrate discovery, obscure key facts, and exploit procedural technicalities to Defendants’ advantage. This pattern of conduct reinforces the necessity of immediate discovery to prevent further procedural manipulation and to ensure that this Court has access to the concealed materials essential to a fair and just determination of Plaintiff’s claims.

Notably, the Court has yet to address Plaintiff’s previously filed Proposed Amended Third Amended Complaint under Federal Rule of Civil Procedure 15, which was timely submitted to ensure that Plaintiff’s claims align with newly emerging facts. Rule 15’s liberal amendment standard is

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1 designed to ensure that pleadings evolve as relevant facts are developed — precisely what Plaintiff
2 has attempted to do.

3
4 By failing to address the sufficiency of Plaintiff’s amended complaint while simultaneously
5 relying on outdated rulings to reject discovery, the Court has inadvertently created an untenable
6 procedural imbalance. Defendant now seeks to exploit this imbalance by urging the Court to delay
7 discovery based on the unsupported presumption that Plaintiff’s next pleading will somehow fail.
8 This presumption is premature, speculative, and inconsistent with Rule 15’s intent to facilitate fair
9 adjudication on a full factual record.
10

11
12 **B. CONCEALED EVIDENCE NOW WARRANTS IMMEDIATE DISCOVERY**

13 The State Bar’s February 24 and March 11 letters have confirmed that over 16,000 responsive
14 records — along with an additional 500 licensure-related records — have been identified but remain
15 concealed. These records, which bear directly on Plaintiff’s factual allegations and the underlying
16 regulatory failures, were withheld from review when the Court previously ruled on critical matters
17 such as Plaintiff’s prior judicial notice requests and discovery efforts.
18

19 Denying discovery at this stage would effectively reward Defendants for their suppression
20 tactics by allowing these concealed materials to remain hidden indefinitely. Such a result would place
21 Plaintiff at a significant procedural disadvantage and deprive the Court of a complete record for
22 evaluating the merits of Plaintiff’s case.
23

24 The Court cannot fairly evaluate the sufficiency of Plaintiff’s claims — including Plaintiff’s
25 forthcoming Fourth Amended Complaint — without first ensuring that the concealed records are
26

27
28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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properly reviewed and incorporated into the factual record. The Court's failure to engage with these materials creates an ongoing risk of issuing rulings based on incomplete or inaccurate facts.

C. DISCOVERY IS NECESSARY TO ENSURE PROCEDURAL FAIRNESS

Defendants' ongoing resistance to discovery, combined with the Court's failure to address Plaintiff's Proposed Amended Third Amended Complaint, creates a procedural dichotomy that risks undermining Plaintiff's right to fair adjudication. Plaintiff has demonstrated diligence through repeated CPRA requests, formal demands for evidence preservation (e.g., Preservation of Evidence Letter), and timely filing of his Proposed Amended TAC under Rule 15.

Meanwhile, Defendants have engaged in a pattern of evasion, suppressing records that bear directly on key allegations.

Given these circumstances, delaying discovery until after Plaintiff's anticipated Fourth Amended Complaint is adjudicated would embolden Defendants to continue evading accountability and shield concealed evidence from judicial review. Such an outcome would be contrary to the interests of justice and would risk condoning the very misconduct Plaintiff has worked diligently to expose.

V. GOOD CAUSE EXISTS TO PERMIT DISCOVERY

Good cause for discovery exists where the requesting party identifies specific information necessary to support a claim and demonstrates that the requested information is likely to lead to admissible evidence. Here, Plaintiff has demonstrated good cause through both new evidence and

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1 Defendants' documented efforts to conceal relevant information. The State Bar's February 24 and
2 March 11 letters confirm the existence of over 16,000 responsive records that Defendants have
3 refused to review or produce — records that are likely to contain critical information supporting
4 Plaintiff's claims. Additionally, Plaintiff's Preservation of Evidence Letter demonstrates that Plaintiff
5 anticipated the risk of record concealment and proactively sought to preserve these materials. This
6 newly confirmed evidence — previously unknown when the Court last ruled — demands judicial
7 review and underscores the urgent need for discovery.
8

9
10 Discovery is essential to uncovering:
11

12 **A. THE EXTENT OF MINORITY UNDERREPRESENTATION IN BAR ADMISSIONS**
13

14 A. Evidence of discriminatory or negligent oversight by the State Bar; and
15

16 The concealed records are highly likely to include data regarding pass rates, exam performance,
17 and regulatory oversight practices that disproportionately affect minority students. These records are
18 key to demonstrating systemic exclusion, disparate treatment, and discriminatory outcomes within the
19 licensure process.
20

21 The concealed records are also likely to contain information directly relevant to Peoples College
22 of Law (PCL), including its recordkeeping failures, credit miscalculations, and misleading
23 communications regarding bar eligibility — all of which are central to Plaintiff's claims of
24 institutional misconduct, negligent oversight, and the resulting systemic barriers faced by minority
25 students. These materials are expected to further substantiate Plaintiff's allegations that PCL's
26

27
28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 noncompliance with accreditation standards — combined with the State Bar’s failure to intervene
2 despite clear warning signs — perpetuated inequities that disproportionately harmed minority
3 students and contributed both to the exclusionary structure Plaintiff now challenges and to his harm.
4

5
6 **B. THE STRUCTURAL DISADVANTAGES IMPOSED BY PCL’S PRACTICES AND**
7 **DEFENDANT SPIRO’S ROLE IN INSTITUTIONAL MISCONDUCT**

8 The Defendant Spiro’s opposition (Docket 240) disregards critical context regarding Peoples
9 College of Law (PCL) and its documented record of administrative failures, recordkeeping
10 deficiencies, and credit miscalculations — all of which are central to Plaintiff’s claims. Defendant
11 Spiro, as both a former Dean of PCL and an individual with direct involvement in PCL’s governance,
12 is uniquely positioned to provide information about these practices. Yet, rather than addressing his
13 role in these issues, Defendant Spiro has actively opposed discovery efforts designed to expose the
14 underlying misconduct that Plaintiff seeks to prove.
15
16

17
18 The concealed records confirmed by the State Bar’s February 24 and March 11 letters —
19 combined with Defendant Spiro’s extensive involvement in PCL’s administration — are highly likely
20 to contain evidence that:
21

22
23 **1. CONFIRMS PCL’S HISTORY OF MISLEADING PRACTICES**
24

25 Defendant Spiro’s tenure at PCL coincides with well-documented recordkeeping failures,
26 credit miscalculations, and misrepresentations regarding bar eligibility — all of which contributed to
27

28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED**
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1 confusion among students and further disadvantaged those attempting to meet graduation and
2 licensure requirements. These practices disproportionately harmed PCL students, many of whom are
3 minority and non-traditional students seeking access to the legal profession.
4

5
6
7 **2. REVEALS DEFENDANT SPIRO'S KNOWLEDGE OF AND LIKELY
PARTICIPATION IN, PCL'S MISCONDUCT**

8 Defendant Spiro's leadership role at PCL places him in direct connection with the institution's
9 administrative failures. As Dean, Defendant Spiro was uniquely positioned to observe — or actively
10 participate in — PCL's pattern of concealing errors, disregarding credit deficiencies, and misleading
11 students about their eligibility to qualify for licensure. Discovery is necessary to identify the extent of
12 Defendant Spiro's involvement in these practices and his communications with the State Bar, PCL
13 staff, and affected students.
14
15

16
17 **3. EXPOSE REGULATORY FAILURES THAT ALLOWED THESE
18 PRACTICES TO PERSIST**

19 Defendant Spiro's sworn testimony acknowledging **document retention issues**, combined with
20 his role in managing PCL's administrative practices, demonstrates that Defendant Spiro was aware of
21 — or actively participated in — the very conduct Plaintiff now seeks to uncover. Defendant Spiro's
22 silence regarding these concealed records strongly suggests a deliberate attempt to suppress evidence
23 that implicates his tenure at PCL.
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28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 The concealed records are highly likely to include evidence that Defendant Spiro, during his
2 tenure at PCL, engaged with — or evaded — regulatory oversight designed to ensure educational
3 standards were met. As both a licensed attorney and former Dean, Defendant Spiro’s resistance to
4 discovery strongly suggests that these suppressed records will reveal regulatory violations that
5 contributed to the systemic exclusion Plaintiff seeks to expose.
6

7
8 Defendant Spiro’s attempt to delay discovery while ignoring his own role in PCL’s conduct
9 strongly infers procedural gamesmanship designed to suppress evidence of misconduct. Defendant
10 Spiro’s direct involvement in PCL’s credit miscalculations and his refusal to address concealed
11 records that overlap with his tenure as Dean further reinforces Plaintiff’s concern that discovery is
12 being resisted to obscure the truth.
13

14 By opposing Plaintiff’s discovery motion while remaining silent about the State Bar’s confirmed
15 suppression of responsive records, Defendant Spiro is actively preventing this Court from obtaining a
16 complete factual record. This tactic is not merely defensive; it reflects a calculated attempt to
17 manipulate the process and evade accountability for past misconduct.
18

19 The Court has already taken judicial notice of **Defendant Spiro’s sworn testimony**
20 acknowledging **document retention issues**, yet Plaintiff has submitted evidence demonstrating that
21 **Defendant Spiro** and other **PCL defendants** were placed on **notice to preserve evidence** as early as
22 **October 2021**, further underscoring the need for discovery to assess the extent of missing or
23 suppressed records.
24

25 Denying discovery before addressing the concealed records risks undermining the Court’s duty to
26 ensure that rulings are based on a complete and accurate record. Plaintiff respectfully submits that the
27

28 **PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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1 Court should authorize discovery to prevent further procedural imbalance and ensure fair
2 adjudication.
3

4 Given these facts, Plaintiff respectfully submits that discovery is both warranted and necessary to
5 prevent further obstruction and ensure that Defendant Spiro's involvement in PCL's mismanagement
6 — along with the concealed evidence Defendants have suppressed — receives proper judicial
7 examination.
8

9
10 **VI. RELIEF REQUESTED**

11 The newly confirmed existence of concealed records — coupled with the Court's failure to assess
12 Plaintiff's **Proposed Amended Third Amended Complaint** — underscores the urgent need for
13 discovery at this stage. Plaintiff respectfully submits that authorizing discovery now is necessary to
14 prevent further procedural imbalance, ensure the Court's rulings are based on a complete factual
15 record, and preserve Plaintiff's right to fair and transparent adjudication.
16
17

18 The Court's failure to address Plaintiff's **Proposed Amended Third Amended Complaint** under
19 Rule 15 while simultaneously denying discovery creates a procedural imbalance. The sufficiency of
20 Plaintiff's claims — particularly in light of concealed evidence — cannot be assessed until those
21 records are produced and evaluated in context.
22

23 Defendant's opposition (Docket 240) falsely asserts that Plaintiff's discovery request is
24 speculative and unsupported. However, as Exhibit D demonstrates, Plaintiff has repeatedly sought
25 access to this evidence prior to October 24, 2021. The concealment of these records — now
26

27
28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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1 confirmed by the State Bar's February 24 and March 11 letters — is part of a persistent pattern of
2 evasion that justifies immediate discovery.
3

4 For these reasons, Plaintiff respectfully requests that the Court reject Defendant's demand to
5 delay discovery and grant Plaintiff's motion for discovery to ensure concealed evidence is properly
6 reviewed.
7

8 The State Bar's previously documented evasive tactics — including identifying but refusing to
9 review substantial volumes of relevant material — demonstrate that the discovery Todd seeks is not
10 speculative but necessary. The Court should reject the State Bar's attempts to obstruct transparency
11 and compel full compliance with Todd's reasonable discovery requests.
12

13 By persistently pursuing this information, Plaintiff has demonstrated diligence and clear **good**
14 **cause** for obtaining discovery that directly relates to his claims. The requested discovery is both
15 reasonable and essential to ensuring a fair and complete adjudication of this matter.
16

17 Plaintiff appreciates the Court's attention to these matters and respectfully requests fair and
18 timely adjudication of these procedural issues.
19

20
21 Dated: March 13, 2025

22 Respectfully submitted,
23

24 
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28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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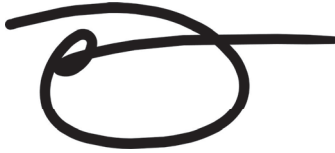
CASE 2:23-CV-01298-JLS-BFM

Todd R. G. Hill
Plaintiff, Pro Se

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 5,396 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,



March 13, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.

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1 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
2 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
3

4 Respectfully submitted,

5 
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7

8 March 13, 2025

9 Todd R.G. Hill

10 Plaintiff, in Propria Persona
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28 **PLAINTIFF'S RESPONSE TO DEFENDANT SPIRO'S OPPOSITION (DOCKET 240) AND RENEWED
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EXHIBIT A

**PLAINTIFF’S RESPONSE TO DEFENDANT SPIRO’S OPPOSITION (DOCKET 240) AND RENEWED
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Todd Hill <toddryangregoryhill@gmail.com>

Second Demand: Provision of videos for inspection!

3 messages

Todd Hill <toddryangregoryhill@gmail.com>

Sun, Oct 24, 2021 at 9:22 AM

To: "Christina Gonzalez (christina.marin.gonzalez@gmail.com)" <christina.marin.gonzalez@gmail.com>, "president@peoplescollegeoflaw.edu." <president@peoplescollegeoflaw.edu>, "Hector C. Pena Ramfrez" <hpena@peoplescollegeoflaw.edu>, "Joshua Gillins Uosh_g19@yahoo.com)" <josh_g19@yahoo.com>

Josh and Christina:

I hope this missive finds you well.

Pursuant to my duties and obligations, inclusive of my statutory rights of inspection of documents, this is my second request in accord with my rights of document inspection for access to all videos initiated by hand or process of the Executive Committee, including the video taken October 17, 2021. I also request the immediate release of the meeting minutes, notes, or drafts taken during the meeting.

I hope the parties do not attempt to raise privacy concerns related to a video i was made a party to without my consent in an effort to delay.

Generally 5 days is presumed a reasonable time. Here, given the circumstances and the timing of other issues and the nature of the request (link(s) to a video) I ask that the video be made available immediately. Otherwise, please provide time and date of planned release and the reason for my delayed access.

Destruction and/or the disappearance of records related to this matter may be considered spoliation.

I have included Dean Emeritus Spiro in this email because I believe these issues are relevant to the completion of the D&O insurance renewal process potentially clouded by the issues in controversy. Notably I cannot recall being present for any renewal discussions, which would be appropriate given that certain elections, e.g., the amount of coverage desired, would likely need to be determined by a vote.

Christina - I will endeavor, when I do not believe it is appropriate or can otherwise be handled by another party, to not communicate directly with you.

You may also prefer, and it may be prudent for you, to appoint a Board Member or outside counsel here, since the conflict of interest issues abound.

This request was sent to you because it is presumed that this material is in your possession. If it is in the possession of a different party, please advise and we will reach out to that other party.

Sincerely,

Todd

Todd Hill <toddryangregoryhill@gmail.com>

Sun, Oct 24, 2021 at 9:24 AM

To: Ira Spiro <ira@spirolawcorp.com>

Cc: "Joshua Gillins Uosh_g19@yahoo.com)" <josh_g19@yahoo.com>

Apologies Ira.....

I included you but forgot to include you in the initial distribution.

Todd

[Quoted text hidden]

Todd Hill <toddryangregoryhill@gmail.com>

Sun, Oct 24, 2021 at 4:12 PM

To: Kevin Clinton <kevinclintonpro@gmail.com>

fyi
[Quoted text hidden]